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SUBJECT: Peru: 2008 Anti-Trafficking in Persons Report

REF: A) STATE 2731, B) 07 LIMA 0689

11. (SBU) SUMMARY: The Peruvian Government continues to demonstrate a commitment to comply with basic TIP standards by making significant efforts in the areas of prevention, prosecution, and protection. Its achievements include:

-- One person sentenced to 12 years in prison for commercial sexual exploitation in 2007. From 2004 through 2007, 60 people have been detained by the PNP for trafficking; most cases remain before the Peruvian courts.

-- TIP Law 28950, passed on January 16, 2007, still waiting for the statutes (or regulations) to be approved and implemented after one year.

-- Between April 2007 and February 2008, 39 TIP cases reported to the police involving 93 victims (90 female and 3 male).

-- TIP Investigations Unit expanded; now a standalone Division in the Directorate of Investigations due to the sharp increase in reported TIP cases.

-- Peruvian justice system still backlogged; TIP cases languish along with all others.

-- The GOP published its third annual report on its efforts to combat TIP in Peru.

-- Training continues on the computerized TIP case-tracking database; over 100 cases filed in 2007.

-- On July 22, 2007, the GOP issued modifications to over a dozen laws to include specific TIP language.

-- Women's Ministry created a Procedures Manual for aiding TIP victims; aimed at police, prosecutors, health workers.

-- Women's Ministry expands to 69 Emergency Centers for Women (and TIP victims) nationwide; operates 21 Residential Centers for underage victims, 3 specialize in sexually exploited adolescent girls.

END SUMMARY

12. (SBU) Following is a checklist of answers to Ref A, Para 27, (Overview):

1A. Peru is a country of origin for international trafficking in persons, but internal trafficking is, by far, the greater problem. A few cases of international trafficking of women have been reported in the past, but the scope of the problem is not yet known. In past years, the destinations of foreign trafficking from Peru have been the U.S., Ecuador, Spain, Japan, and Italy. According to the limited information gathered so far by the GOP and local NGOs, Peru is a country of transit for the international trafficking of persons. For trafficking into Peru, the only confirmed cases come from Ecuador.

The magnitude of the TIP problem is not yet clear, but the GOP has taken significant steps to gather the information by working closely with NGOs and international organizations (IO). Below are the most current figures (April 2007 - February 2008) for TIP victims, gathered from RETA, the TIP case-tracking system, described below.

No. of cases	No. of victims	No. of Victims by sex	No. of Victims by sex and age	
39	93	90 Female	0-17	48
			18-30	42
3	Male	3 Male	0-17	3
			18-30	0

The majority of the cases were from the cities of Puno (10), Cusco (8), and Pucallpa/Iquitos (9). Most TIP victims are underage females from the poorest and least developed regions east of the Andes--the Amazonian jungle and the mountains--brought into the major cities or into mining areas to work as prostitutes or domestic servants. The main trafficking routes were from the cities of the Cusco region to the cities of Arequipa and Juliaca and from the regions of San Martin to Huanuco to Cerro de Pasco. (NOTE: To standardize the terminology of location, this report will use "region" to describe the 26 areas (also called Departments) of Peru. Provinces are sub-divisions of a region. END NOTE) RETA data are considered reliable.

There are as yet no comprehensive, official GOP figures on the extent or magnitude of the TIP problem, but the PNP is now using a standardized system for reporting and tracking TIP crimes, which was inaugurated in December 2006. As described in Ref B, the computerized case-tracking system (in Spanish, "Registro de Estadistica de Delitos de Trata de Personas y Afines"--RETA) is designed to record TIP cases in a searchable database that will aid in identifying and prosecuting TIP crimes. The PNP and other law enforcement officials are required by law to train personnel in its operation, maintain the system, and report the data to the MSC.

RETA was developed by Capital Humano y Social (CHS), a Peruvian NGO, and funded by a one-year G/TIP grant managed by NAS-Lima and by an 18-month USAID grant (the NAS and USAID grants had a six-month overlap). The project took place between October 2005 and September 2007. Both NAS's and USAID's contributions were \$100,000 USD. The RETA project was designed to ensure that police were familiar with the issue of TIP, could identify TIP cases, and use the RETA database to register and track TIP cases. Final report for the project can be found at:

http://www.chs-peru.com/trata/imagesupload/co_municado_comunicado_20.pdf

RETA implementation focused on 10 cities in 7 of the 12 Police Districts in Peru. (Police districts can include from 1 to 4 regions.) Typically, police from outlying areas also participated. The cities selected were: Pucallpa, Lima, Huancayo, Huanuco, Ayacucho, Ica, Cusco, Chiclayo, Puno, and Juliaca.

In regions with little or no government presence (primarily in the coca-growing regions of the Upper Huallaga and the Apurimac-Ene River Valleys), post continues to receive reports from NGOs that children are used to process coca leaf into cocaine, but there is no official data on the extent of the child labor or trafficking. Narcotraffickers and the narco-terrorist group Shining Path (Sendero Luminoso - SL) use children to grow food crops and coca as well as transporting drugs and precursor chemicals.

1B. The GOP has demonstrated the political will to deal with TIP crimes. The Peruvian Congress passed a law on January 12, 2007 that more clearly defines TIP, strengthens sentencing guidelines, and provides protection for TIP victims and witnesses, as described in last year's report (Ref B).

On February 20, 2008, Vice Minister of the Interior Danilo Guevara announced that the PNP would be moving the TIP Investigations Unit out of the Kidnapping Division and creating a separate TIP Division. Guevara said that this move was prompted by the increase of reported trafficking cases, a jump from four cases in 2005 to over 100 in 2007 due to the use of RETA. Embassy sources believe the new division will consist of 25-30 officers (vice 6 previously) divided into three departments--sexual exploitation, forced labor, and other (e.g., selling children for street begging, child pornography, and organ trafficking). The division may even include doctors and psychologists for victims. This development is tempered by the fact that the budget year has already started, so full implementation--and results--will likely not start until the new budget year in January 2009.

The sources of the 29 complaints about TIP received in 2007 by the TIP Investigations Unit of the PNP are by the victim's family (26 cases) and directly by the victim (6). Eight of the family complaints originated as missing-persons reports. Three more complaints came as a result of TV reporting on TIP and the TIP hotline. Seven cases of international TIP are being investigated.

The profile of trafficking victims in Peru are: 1) the populations most vulnerable to TIP are children ages 0-17 and young women from rural areas or poor urban areas on the periphery of major cities; 2) persons living in poverty (44 percent); 3) handicapped persons, especially children and the elderly, as victims of forced labor and street begging; 4) victims of parental or spousal abuse; 5) illiterate or semi-illiterate persons; 5) undocumented persons--no birth certificates or other identification documents. Infants and children up to age 10 are sold to traffickers who use

the infants to generate sympathy for women beggars, and the older children are forced to beg in the streets. Children, mostly girls, ages 8-17 are trafficked as domestic servants. A 2005 ILO report on forced labor in the illegal logging industry estimates that 33,000 people are being victimized. The majority of the victims come from ethnic groups in the Amazonia region of Peru (primarily the departments of Ucayali, Madre de Dios, and Loreto).

The methods used by traffickers to approach victims are often a combination of emotional manipulation and coercion. The most-used method of capture (66 percent) is the false offer of a job by employment agencies, street posters, newspaper ads, and acquaintances. The agencies offer the women and adolescent girls relatively well-paid "restaurant work" in cities like Lima and Cusco, and, in some cases, in foreign countries. The other methods are by threat, seduction, family connections, the internet, and drugs. Data gathered by NGOs indicate that trafficking takes place through local crime groups and informal networks that could involve acquaintances of the victim, extended family members, and even the parents of the underage victims.

Traffickers usually transport their victims by road. A small percentage are moved by air or river transport. Again, PNP investigations and NGO studies have identified patterns of CSEM trafficking that move victims from east of the Andes to the major cities on the coasts. False documents are sometimes used, but it is common for the young to have no type of identification, and controls on internal migration are almost non-existent or easily circumvented. All varieties of forged documents are easily available in Peru.

CHS conducted a journalism course and contest for over 100 journalists with funding from the Belgian Development Cooperation agency. The participants produced reports on TIP that were broadcast on TV and radio and appeared in print. Also, CHS compiled a list of 2,774 men and women in the national and regional media for disseminating information on TIP via the Internet. The prize-winning reports at <http://www.chs-peru.com/Concurso/index.html>

Two TIP cases were reported in the papers at the end of January 2008. One dealt with Martha Luz Guerra Carrasco, a lawyer, who was charged with heading an international ring that kidnapped and trafficked children. The second was about David Samuel Rojas Espinoza, a 23-yr-old man from a town just north of Lima, who came to Lima looking for work and was tricked into going to the Monzon River Valley (hard-core coca-growing area). He was promised good pay, but ended up processing coca leaf with about 70 others as young as 13 while under threat of torture and death.

The International Youth Foundation (IYF) is managing a grant from the U.S. Department of Labor called "Prepare for Life" (Preparar para la Vida). IYF is working with 2 NGOs and a faith-based organization for this 4-year project (2007-2010). See this website for more details: <http://www.iyfnet.org/document.cfm/30/829>

1C. In March 2004, the government established a permanent, ministerial-level Multisectoral Committee (MSC) for TIP. The Ministry of the Interior, which includes the police, is the lead ministry in the MSC. The other 10 governmental members are the ministries of Foreign Affairs, Public Prosecutor, Women and Social Development, Health, Justice, Education, Labor, and Commerce and Tourism. The Judicial Branch and the National Statistics Institute are also members, along with 3 NGOs and 4 IOs (IOM, ILO, UNICEF, and UNODC).

1D. The limitations on the GOP to address the TIP problem are a lack of resources, weak institutions, and corruption. Funding for the police is inadequate. As reported in 2006, the PNP is seriously understaffed based on historical trends. In 1990, there were 129,000 police for a population of 22 million. In 2005, the police force stood at 92,000 officers serving 27 million people--a deficit of almost 60,000 officers when the increase in population is taken into account. Corruption is a pervasive problem in Peru, but there is no evidence that it affects TIP enforcement more than other types of Peruvian crime.

The funding for TIP prevention and training comes from existing GOP programs to protect women and children and from NGOs and IOs. GOP support typically involves in-kind contributions, i.e., salaries (allowing employees to train during work hours), per diem, facilities for training, and using existing shelter programs for abused women and children for TIP victims as well.

The GOP lacks adequate resources to aid TIP victims. Lack of witness protection is a severe weakness in the Peruvian justice system for witnesses in all categories of crimes. The new TIP law passed in January 2007 mandates aid to TIP victims and witnesses (see Para 3, section A).

1E. The government began systematically monitoring its anti-trafficking efforts when it established the MSC in March 2004. In December 2007, Peru issued its third annual review of the activities of the MSC. The MSC's report, which covers 72 pages, is a Spanish-language document that reviews the GOP's efforts to fight TIP. The report points out the need for greater budgetary resources to fight TIP, lists its achievements, describes some of what still

needs to be done and, most important, it both documents and promotes coordination between different GOP ministries, local governments, and NGOs in the fight against TIP. The report is made available to NGOs and IOs (e.g., IOM, ILO, UNODC, and UNICEF). All TIP initiatives and assessments are undertaken in a fully transparent manner and are reported to the MSC. (NOTE: A copy of the annual report is being sent to G/TIP by email.)

13. (SBU) Following is a checklist of answers to Ref A, Para 28, (Investigation and Prosecution of Traffickers):

1A. The Peruvian Congress passed Law 28950 on January 16, 2007 that defines TIP, strengthens sentencing guidelines, and provides protection for TIP victims and witnesses. In this law, the GOP brings the Peruvian Penal Code into compliance with its obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (Palermo Protocol), which Peru ratified on December 25, 2003.

Below is a summary of TIP-related laws. Post will send a copy of Laws 28251 and 28950 to G/TIP by email.

Law 28950 addresses the standards set forth in the international agreements relating to TIP that have been ratified by Peru. The law modifies at least seven other laws or articles of the Penal Code to include language related to TIP. The Law defines the illegal conduct as listed in the Palermo Protocol: sexual exploitation, labor exploitation, and the extraction and sale of human tissue and organs. Repatriation of Peruvian TIP victims and Qoof Peruvian law to Peruvian citizens who commit TIP crimes in other countries. The law covers both internal and external forms of trafficking. The new law raises the minimum sentence to 25 years for some crimes; it allows evidence obtained by undercover police, electronic surveillance, or other surreptitious means; and it requires proper treatment of victims and the payment of reparations.

In Law 29009, the Peruvian Congress delegated to the Executive the power to promulgate a series of laws that established an integrated strategy for dealing with narcotrafficking, money laundering, terrorism, kidnapping, extortion, TIP, and gangs in recognition of the organized and interrelated nature of these crimes. On July 22, 2007, the Executive issued modifications to 12 laws to specifically include TIP language.

-- Legislative Decree 982 modified the following parts of the Penal Code: Article 46-A, Article 316, Article 367, Article 404, Article 405, Article 409-B, and Article 417-A.

These changes address issues such as a person in prison who controls or participates in a TIP crime can have his/her sentence extended. Some of the Articles that now contain references to TIP are: aiding or abetting a TIP crime, destruction of evidence, withholding evidence, witness tampering, threatening witnesses, hiding assets from seizure, kidnapping with the intent of trafficking, and being a member of a criminal organization involved in TIP.

-- Legislative Decree 983 modified the Code of Criminal Procedures and the Criminal Procedural Code

- strengthens the norms for seizing evidence related to a crime.

-- Legislative Decree 984 modified the Code for the Execution of Criminal Sentences

- incorporates new criteria for separating prisoners who may or may not be part of a criminal organization.

-- Legislative Decree 987 modified Law 27378

- establishes benefits for persons charged with a crime involving criminal organization to collaborate with authorities.

-- Legislative Decree 988 modified Law 27379

- specifies the rights of prosecutors in preliminary investigations of TIP and kidnapping crimes to be in accordance with Articles 152 and 153-A.

-- Legislative Decree 989 modified Law 27934

- specifies the roles of police and prosecutors in preliminary investigations of TIP and kidnapping crimes in relation to the evidence provided by informers, witnesses, and undercover agents.

TIP Law 28950 allows for civil penalties against TIP crimes that include forfeiture laws and seizure of property.

In June 2004, the Penal Code was modified by Law 28251 to define trafficking in persons as it relates to sexual exploitation (Article 182 of Penal Code). The law penalizes a person who promotes, advertises, or facilitates sexual tourism using child pornography in pamphlets, publications, audio and videotape recordings, or through the Internet. The one TIP conviction for 2006 was the result of Law 28251.

The TIP-related laws in the Peruvian Penal Code have not changed since last year's report (see Ref B, Para 4, Section A).

1B. The trafficking statutes in Article 153 have not changed since

last year's report (see Ref B, Para 4, Section A).

1C. There is minimal data for forced labor, bonded labor, and forced child labor in Peru. The GOP has a National Action Plan to Combat Forced Labor. Part of this plan includes compiling statistical information, including demographics on forced labor in Peru. A study in 2006, by the ILO estimated 30,000 persons were involved in forced labor, particularly in the logging industry in the Amazonia provinces. No more recent information is available on forced labor.

On January 9, 2007, Supreme Decree 001-2007-TR created the National Inter-sectoral Commission for the Eradication of Forced Labor (NCSFL) to coordinate public policies and to document the incidence of forced labor in the logging, agriculture, mining, fishing, and other sectors. The NCSFL has drafted the National Action Plan to Combat Forced Labor, which detailed the GOP's efforts to prevent and eliminate forced labor. In May, Supreme Decree 009-2007-TR approved the National Action Plan to Combat Forced Labor.

The Constitution prohibits forced or bonded labor and January 16, 2007, the GOP passed Law 28950, which provides protection for TIP victims and witnesses. Article 153 prohibits practices that promote, finance, or facilitates "forced work or services, bondage, slavery or practices that are analogous to slavery or otherforms of work exploitation...."

Article 153 of the criminal code was amended via law No.28950 in January 2007. The article makes it a criminal act to force children to beg for money or perform forced labor and establishes a penalty of 8 to 15 years in prison for those who violate the law.

ILO Agreement 29, ratified by Peru, allows six exceptions to laws prohibiting forced labor, but Peruvian law recognizes only two exceptions: compulsory labor resulting from a judicial sentence, as provided for by the criminal code; and forced labor resulting from force majeure, as provided for in Legislative Decree 854. Legislative Decree 854 allows an employer to require overtime when an act of God presents a serious danger to individuals or property in the workplace.

The legal minimum age for employment is 14; however, children between the ages of 12 and 14 may work in certain jobs for up to 4 hours per day, and adolescents between ages 15 to 17 may work up to 6 hours per day if they obtain special permission from the Ministry of Labor and certify that they also were attending school.

Although the law restricts child labor based upon the age of the child, hours worked, and occupation, child labor remains a serious problem in Peru. For example, the largest radio station in Peru (RPP) reported on January 31, 2007 the discovery of 59 teenagers (ages 11-17) being forced to work harvesting asparagus in northern Peru. The children were paid 15 soles per day (about 3 USD). The police rescued them and set about finding their parents. The company was being investigated for violating child labor laws.

Labor trafficking crimes are also covered under Law 28950 and the penalties are the same. The same holds true for labor recruiters, employers, labor agents, those who confiscate workers' documents and all manner of labor trafficking described in this section.

For additional information on labor trafficking, see Para 3, Section F.

1D. There have been no changes in the law or penalties for rape or forcible sexual assault during 2007. See Ref B for details.

1E. Prostitution is legal for women over 18 years of age if they register with municipal authorities and carry a health certificate. Brothels are also licensed by the municipalities. In practice, the vast majority of prostitutes work in the informal sector where they lack health protection. Unlicensed prostitutes and brothels are common. In many cases, the municipalities are blocked from shutting down brothels for operating without a license, because the brothel owners use a legal stalling tactic (Accion de Amparo) that limits how much the municipality can intervene based on a question of the owner's constitutional rights. The activities of pimps, owner/operators of brothels, enforcers, clients of underage prostitutes, and child sexual tourism are criminalized.

1F. The traffickers identified per year according to RETA are: 2004 (8), 2005 (14), 2006 (39), 2007 (96), and as of February 15, 2008 (12). 84 are women and 85 are men. The majority of the traffickers have been officially identified as Peruvian. So far, 18 international traffickers have been identified: 7 Ecuadoreans, 7 Japanese, a Filipino, a Gabonese, a Uruguayan, and a Colombian. Of the 135 traffickers who were identified and investigated 60 have been detained.

The PNP created a "Trafficking in Persons Investigation Section" in January 2004 as part of the Kidnapping Investigations Division. The officers have been trained to investigate TIP crimes.

The section is responsible for investigations in all of Peru. As of February 2007, sources both inside and outside the PNP agree that there is almost no sharing of information among the divisions, which

inhibits the ability to track cases. There are another 5 investigation divisions in the Lima-Callao metropolitan area that do not talk to each other or to the national divisions of the PNP Investigations Directorate. The disarray continues because the investigation divisions in the 12 districts outside of Lima do not communicate with each other. The expansion of RETA will allow the TIP Investigations Unit to handle more cases. Part of the communications problem is a lack of technology, but it is also structural--something not easily or quickly solved.

The PNP's TIP Investigation Unit handled 3 cases last year. On January 19, 2007, police arrested one woman and two men for trafficking for labor exploitation. Three adolescent females were found making polo-style shirts in a clandestine workshop in Lima. On August 12, the police arrested an Ecuadorian man in Lima who was sexually exploiting a 15-year-old girl from Quevedo, Ecuador. On August 25, a police operation in Huaral (northern part of Metropolitan Lima) called "Trafficking in Persons 2007" raided a brothel and found 3 girls being sexually exploited.

One person has been tried under the new TIP Law 28950. Carlos Arturo Yong Chong, a doctor, was charged with buying or kidnapping newborns who were then sent to France for sale and adoption. At least five babies were trafficked. As of November 15, 2007, Yong was due to be sentenced to 12 years in prison, the maximum allowed for the crimes of trafficking of children, abortion, illegal association, falsifying documents, and false representation ("falsa filiacion").

Although only one person was brought to trial, convicted, and sentenced in 2007, this should not be seen as a lack of GOP will. The average time for criminal cases to move through the judicial system from beginning to end is 30 months. As was the case last year, despite recent technical and procedural advances in the Public Ministry and the PNP, it will be several years before the Peruvian justice system has the capability to provide reliable, comprehensive data from arrest to release from prison for any crime. (COMMENT: Getting accurate and complete information from the Peruvian judicial system is difficult, because the system is fragmented and inefficient. Furthermore, communication and data-sharing within and between ministries is problematic, which is reflected in the somewhat inconsistent yearly information Post receives. Post does not believe that GOP is withholding information. END COMMENT.)

The Ministry of Labor has the authority to investigate reports of illegal child labor practices. Focusing on the formal sector, inspectors conducted routine visits without notice. Firms found guilty of violating child labor laws may be fined and have their operations suspended. The Ministry of Labor has about 480 labor inspectors.

I.G. The GOP is working closely with NGOs and IOs to train government officials to recognize, investigate, and prosecute TIP crimes. In all cases, the ministries are providing in-kind contributions, e.g., use of meeting facilities, transport, paid training time for employees, and office supplies. The GOP does not provide any funds to NGOs for any activities. NGOs are funded by international or private donors. Also see Para 5, Section B.

Investigations by GOP authorities and NGOs indicate that domestic TIP activities are, for the most part, carried out on a local and informal basis, without the involvement of major trafficking organizations. The GOP has established that employment and tourist agencies and other apparently legitimate businesses are involved in trafficking. International trafficking to Japan has been linked to the Yakuza or Japanese mafia. The Embassy has no evidence of government officials being involved in TIP crimes. There is no information that points to trafficking money being laundered or used to finance other crimes.

I.H. The MFA has established a communications protocol with the PNP and Interpol to respond to complaints filed by TIP victims outside Peru or to investigate reports in the foreign media. The GOP signed a bilateral cooperation agreement with Chile on March 15, 2005 to prevent the trafficking of children and adolescents across their common border. The GOP is also coordinating with Bolivia, Colombia, and Ecuador on combating TIP. The PNP will keep the MFA informed about TIP victims who were repatriated to Peru and about the progress of their cases in the judicial system.

I.I. Legislative Decree 957 modified Book 7 of the Criminal Procedural Code, which deals with international judicial cooperation, by establishing Article 508 and following. It specifies that any criminal act, as defined by Peruvian Law, committed by a Peruvian in a foreign country will be tried in Peruvian courts as if the crime had been committed in Peru. The law also states that Peru is obligated to conform to the international treaties and norms that it has signed and ratified. Peru has asked for extradition in the following cases:

- September 2007 - Lizardo Alexander Ruiz Fraga, who is in Uruguay, for trafficking of migrants;
- October 2007 - Julio Cesar Falconi Villanueva, who is in Spain, for trafficking children.
- November 2007 - Fredy Armando Moya Velita, who is in Venezuela, for trafficking of migrants.

I.J. There is no evidence of government involvement in or tolerance of trafficking at any level of government. It is widely accepted in

Peruvian society that individual police officers tolerate the presence of underage prostitutes and the operation of unregistered and unlicensed brothels. No police have been charged or prosecuted for complicity in TIP.

1K. During this reporting period, there have been no cases of government officials being involved in trafficking. On December 29, 2005, Congressman Torres Ccalla received a sentence of eight years in prison on charges of aggravated rape of a minor (aggravated because of his official position). He was also fined 20,000 Nuevos Soles (about USD 6,250). Torres Ccalla had brought the young girl to Lima from his home district of Puno, allegedly to work in his office. He was convicted under Law 28251 (passed in 2004) that stipulates a sentence of 4 to 8 years for someone who sexually exploits a minor.

1L. No Peruvian peacekeeper is known to have been charged with a TIP offense. See Para 5, Section I.

1M. Peru is a destination for child sex tourism. All studies of the issue point to the cities of Iquitos and Cusco as the principal destinations for child sex tourism. On the question of the extraterritoriality enforcement of child sexual abuse laws, please see Para 3, Section I. The GOP has no data on the arrest, prosecution, or extradition of foreign sex tourists in Peru.

14. (SBU) Following is a checklist of answers to Ref A, Para 29, (Protection and Assistance to Victims):

1A. The MFA will provide assistance to victims who wish to be repatriated. The repatriated victims would be given the same protections as domestic victims, according to Law 28950, which includes temporary to permanent residency status for victims from other countries.

1B. Law 28950, the new TIP law that was passed in January 2007 (see Para 3, Section A), requires that victims of TIP be assisted and protected by providing them with temporary lodging and legal, medical, and psychological assistance. There are no shelters designated specifically for TIP victims; however, MIMDES has shelters for victims of family violence and sexual abuse where TIP victims will be assisted until the relevant sections of Law 28950 are implemented. Under the new law, the Ministry of Health also has the responsibility to provide medical assistance to TIP victims, and the Justice Ministry must provide legal and witness protection assistance. Foreign victims are afforded the same protections and services. Until the new law is implemented, no reliable data will be available on the TIP victims placed in any of the shelters mentioned above.

The table below shows the protection and assistance services that currently exist officially. The services lack sufficient budgets and trained personnel. Operational effectiveness varies widely.

Ministry	Victim Assistance	Victim Protection	Victim Follow up
Women	X	X	X
Health	X		
Interior		X	
Justice	X	X	X
Prosecutor	X	X	
Judiciary		X	X

Currently, MIMDES runs 69 Emergency Centers for Women nationwide that provide legal, psychological, and social services for TIP victims. It also runs 21 Residential Centers for underage victims, 3 of which specialize in treating adolescent girls who are victims of sexual exploitation.

1C. The GOP does not provide any funds to NGOs for any activities. NGOs are funded by international or private donors. However, various ministries have provided facilities and other conference services for conducting training of government workers. For example, a ministry will provide a room, sound system, tables/chairs, and cleanup for a workshop. People participate during the working day (the GOP is paying their salaries). Sometimes lunches and/or coffee breaks are paid by a ministry.

1D. The ministries of Women, Interior (including PNP and Migration and Naturalization), Commerce and Tourism, Labor, the Judiciary, and the Public Ministry have worked closely with NGOs and IOs to conduct awareness-raising sessions and held workshops for law enforcement officials on the new TIP law and the 2004 law on sexual exploitation (Law 28251). All the NGOs listed in Section K below have provided training to police officers, local governments, teachers, and children to help them recognize TIP and to provide resources on where to refer victims.

From April 2007 to February 2008, 93 victims have been registered in RETA. See Para 2, Section A for details.

The MSC has developed a flowchart for handling TIP victims that identifies the critical nodes in the process of adequately treating victims. The proposed referral process for treating victims

involves the ministries of Interior, Public Prosecutor, Justice, Health, and the Judiciary. Law enforcement officials must refer victims to the shelter in order for them to make use of the services. MIMDES produced a Procedures Guide to assist police in handling TIP victims. An adQOfiHQestablish a database of victims of trafficking in persons. When police raid brothels and nightclubs, they are not always able to determine which girls are underage and which are not.

The GOP will have a formal referral process for TIP victims when Law 28950 is implemented. The implementing legislation has been drafted by the MSC (see Para 5, Section F for more details). The newly implemented RETA computerized case-tracking system will also assist in identifying TIP victims as well as the traffickers.

1E. Municipalities are responsible for licensing brothels and prostitutes, but enforcement is lax or nonexistent. They do not have a mechanism for screening for trafficking victims among persons involved in the commercial sex trade. The police try to identify underage and adult TIP victims during raids.

1F. Normally, victims are not advised of their rights and are not provided medical treatment. With the vast majority of the victims, the police try to identify the victims, but since most have no identity papers, they are released. Some make their way to the MIMDES Emergency Centers where they receive assistance, but many underage prostitutes return to the brothels where they will receive shelter and food. TIP victims are not detained, treated as criminals, jailed, or deported. Victims are not fined.

1G. Currently, legal assistance to a victim of trafficking is almost nonexistent. The GOP does not support any programs that encourage victim participation in the investigation or prosecution of the trafficker. A victim can obtain other employment pending trial proceedings, but may not leave the country without permission from the court. Law 28950 and 28251 require victim restitution. While these laws address these TIP issues, the Garcia Administration recognizes that the entire Peruvian legal system is in serious need of reform. Judicial reform is a highly political and contentious issue that may take years to resolve.

Many times victims cannot afford the legal representation necessary to confront the traffickers. There is no legal impediment to victims' seeking legal redress. Filing a civil lawsuit in the Peruvian legal system is an expensive and lengthy undertaking. The Justice Ministry has started the process of modifying the law to include the provision of a free legal defense for TIP victims.

1H. Law 28950 and Law 27378 mandate protection of victims, informers, witnesses, expert witnesses, and their families. At a minimum, the laws provide for the payment of repatriation, lodging, medical, psychological, and legal assistance as well as assistance in re-adapting to family and society. There are also provisions for witness protection, e.g., new identities, safe houses, police protection, and new jobs. In practice, these measures have not yet been implemented or enforced. As a general rule, the GOP does not provide protection to victims or witnesses. The PNP has a program by which co-conspirators or co-defendants can receive protection. Informants receive limited protection. Child victims would be placed in shelters run by the GOP, charities, or NGOs.

MIMDES's National Project against Sexual and Domestic Violence supports a number of programs, some of which are TIP-related. MIMDES has expanded its Women's Emergency Centers from 49 to 69, which focus on the legal, psychological, and medical problems facing women and children who are victims of domestic violence. These resources are now also being used to protect TIP victims. The National Institute for Infant and Child Welfare (INABIF) also has 3 live-in centers for underage TIP victims in Callao (Lima), Iquitos, and Cusco. The Callao center is administered by the Sisters of Adoration (awardees of FY 2006 G/TIP grant). This center has a capacity of 60 adolescent females and 15 infants of the adolescents. In 2007, this center worked with 150 victims of sexual exploitation.

The Municipal Committees for the Rights of Children and Adolescents (COMUDENA in Spanish) in Lima is running a project called the "Color of Hope" (Color Esperanza) in which 126 victims of child sexual exploitation (50 due to internal trafficking) are treated and given job skills to support themselves. The local NGO Action for the Children (Accion por los Ninos) provides technical assistance for the project.

1I. The Ministry of Foreign Affairs (MFA) has a program to provide assistance to Peruvians who are indigent and require special care abroad, including TIP victims. All Peruvian embassies and consulates provide a 24/7 emergency phone line. The embassies and consulates are also required to maintain referral relationships with care centers in their jurisdictions. The MFA has established a toll-free help line for their citizens in the United States that connects to the MFA Office of Peruvian Rights in Lima (1-800-535-3953, Monday-Friday from 8:30 a.m. to 5:00 p.m. Lima time).

The MFA produced two videos in 2006 to educate travelers to the danger of TIP. The videos were distributed to Peruvian Embassies and Consulates with instructions to disseminate the information to local authorities and the local Peruvian community. Copies were

also sent to MFA regional offices in Peru to distribute to the regional and local governments. A brochure on TIP was distributed to its offices in Cusco, Iquitos, Puno, Tacna, and Tumbes. The brochure is also available in the office that issues passports where the video is also shown. The MFA now offers an annual training session for consular officials on the issues of TIP and illegal migration.

1J. The GOP provides repatriation assistance to Peruvians who have been trafficked overseas. Law 28950 contains a provision for providing lodging and medical, psychological, social, and legal assistance to victims and witnesses during repatriation. The victims are also eligible for all other services listed in Law 28950 upon return.

1K. Post has identified 6 NGOs and 5 IOs in Peru that work in some way on TIP-related issues. They all work closely with the GOP on TIP and often attend MSC meetings. The GOP does not have a specific budget for TIP issues and does not give financial support to any NGO. The lack of TIP funding by the GOP should not be construed as lack of commitment to combating TIP. The GOP has demonstrated its commitment to TIP by providing significant resources for training officials and making use of its existing programs to support anti-TIP efforts.

Below are the 6 NGOs that work with TIP victims.

-- Action for the Children (Accion por los Ninos): provides training for all types of GOP officials, community anti-TIP mobilization campaigns, and temporary shelter for victims.
<http://www.accionporlosninos.org.pe/index.htm>

-- The El Pozo Movement (Movimiento El Pozo): searches out and identifies sexually exploited or abused women and children; provides guidance counseling and temporary shelter for victims.
<http://www.movimientoelpozo.org/index.htm>

-- Flora Tristan Center (Centro de la Mujer Peruana Flora Tristan): searches out and identifies sexually exploited or abused women and children; provides guidance counseling and temporary shelter for victims. <http://www.flora.org.pe/>

-- Sisters of Adoration (Hermanas Adoratrices - AKA the Order of the Sisters of Adoration, Slaves of the Blessed Sacrament and of Charity): provides long-term shelter and rehabilitation services for female victims of commercial sexual exploitation of minors.

-- Institute for the Study of Children and the Family (Instituto de Estudios por la Infancia y la Familia - IDEIF): provides training for all types of GOP officials, focuses on the trafficking of children and adolescents for sexual exploitation, also child sex tourism and border trafficking of children.

-- Human and Social Capital Alternative (Capital Humano y Social-Alternativo - CHS): provides training for law enforcement officials, designed the computerized case-tracking system for TIP and trained police in its use; implementation and training continue with close cooperation from the Ministry of Interior and the PNP.
http://www.chs-peru.com/chs_alternativo.htm

Post has identified 5 international NGOs and organizations in Peru that work in some way on TIP-related issues. Post has heard no reports from these organizations about lack of cooperation of the local authorities.

-- International Office of Migration (IOM): Supports and/or participates in TIP workshops/training sessions; is assisting the GOP's MSC to produce the National Plan of Action for TIP; funds the toll-free hotline run by the Ministry of the Interior.

-- United Nations Children's Fund (UNICEF): Provides technical assistance and support for training on combating the sexual exploitation of children and adolescents--prevention, public education, and rehabilitation of the victims.

-- International Labor Organization (ILO): Provides technical assistance and support for training regarding labor exploitation.

-- United Nations Office of Drugs and Crime (UNODC): Provides technical assistance and financial support for training on TIP issues.

-- Belgian Development Cooperation: Supports the Ministry of Interior initiative to train the PNP and Immigration officials to identify TIP and to map the routes taken by traffickers in 4 regions of Peru (Loreto, Madre de Dios, Cusco, and Lima).

15. (SBU) Following is a checklist of answers to Ref A, Para 30, (Prevention):

1A. Yes, the GOP recognizes that trafficking is a problem in Peru.

1B. The GOP has directly funded some trafficking information campaigns. (See Para 4, Section I on MFA programs.) In general, the GOP and local governments have supported efforts by NGOs and IOs to disseminate information by providing in-kind contributions and political support to the projects (see Para X, Section X). Some of the projects where the GOP cooperated with other organizations are:

-- IOM supported a radio campaign in 2006 2007 directed to audiences in the interior of Peru.

-- Action for the Children accomplished many projects to educate and raise the awareness of local government officials and student groups, e.g.,

- 565 Internet-Cafe workers took TIP awareness training to protect youth.
- 4500 children and leaders of DEMUNAS (Municipal Ombudsman's Office for the Defense of Children and Adolescents) and COMUDENAS marched on the Justice Ministry; President of Supreme Court promised to speed up TIP trials.
- 30 heads of COMUDENAS and DEMUNAS in Lima/Callao attended TIP workshops.
- 217 student leaders from the Student Leadership Program in Lima/Callao were given TIP training and strategies on raising awareness in schools.
- 241 School directors and teachers in Lima/Callao were given TIP training and strategies on raising awareness in schools.

-- CHS conducted a course for journalists nationwide on TIP and awarded prizes for the best published reports (see Para 2, Section B for more details).

-- Ministry of Tourism ran a campaign against child sex tourism directed at the entire tourist industry; 100 drivers of motorcycle taxis in Iquitos learned about TIP and agreed to strategy of reporting on TIP, especially of children.

-- Ministry of Interior assumed responsibility, as of August 2007, for paying the salaries of the TIP hotline staff; IOM is still paying for the phones and related equipment.

-- Ministry of Interior cooperated with CHS to publish a book that presents the principle laws, regulations, and procedures available to police to fight TIP.

-- Constitutional Tribunal (Supreme Court) held a TIP workshop for judges and prosecutors with help from IOM.

-- MIMDES continues to work with the Belgian Development Cooperation agency to combat TIP in 4 regions: Cuzco, Lima, Loreto, and Madre de Dios. Activities include training teachers to provide students and parents with the information on TIP.

On November 7, 2007, the Justice Ministry announced the publication of two books on TIP, produced by CHS. The first book is "Trafficking in Persons in Peru: Norms, Cases and Definitions" (La Trata de Personas en el Perú: Normas, Casos y Definiciones); the second book is "The Public Policy Framework Established to Combat TIP" (La Institucionalidad Contra la Trata de Personas en el Perú), both of which seek to define the problem and develop criteria for addressing the problems of TIP prevention, persecution, and protection of victims.

The Ministry of Interior, which includes the police, continued to work with USAID, UNICEF, and Belgian Development Cooperation to 1) expand the use of the RETA case-tracking system by police officers and 2) educate and raise the TIP awareness of police, local government officials, and other relevant officials. Peruvian police officers have also participated in TIP-oriented ILEA training. The Ministry of Interior, in coordination with the NGO CHS, achieved the following:

- 167 high-level personnel in the Ministry and PNP were briefed on RETA.
- 596 police officers were trained in TIP issues and to use RETA.
- The official transfer of RETA to the Ministry and the installation of a server for the database.
- RETA is accessible by Internet at www.retapnp.com (password protected).
- RETA is connected to the Ministry's TIP hotline and the hotline's operators can input information into RETA.
- Approval for CHS to develop a distance-learning course on TIP and RETA through the police academy.
- Courses on TIP and the use of RETA are now part of the curriculum for all the PNP's training institutions.

The Directorate of Migration and Naturalization has received training from Embassy Lima's Consular Section, UNICEF, and UNHCR.

-- Training on techniques for detecting fraudulent travel documents, visas, and passports and interview and observation techniques in 4 cities: Piura (70 people), Trujillo (60), Cusco (50), and Tumbes (60).

-- Workshop in Iquitos on human rights and rights of refugees sponsored by UNHCR.

-- In cooperation with the Belgians, UNICEF, and InterioTQJ_QUy=vsFQkmmQ0xQents have also worked closely and cooperatively with the NGOs/IOs.

1D. Peru is considered a transit point for third country nationals being trafficked. From August through October 2007, the Embassy's Consular Section received reports of Chinese citizens arriving at the Lima airport with false Peruvian visas and being permitted to enter the country, at which point they effectively disappeared. Overland travel to Ecuador is a known path on smuggling/trafficking routes.

The GOP claims that TIP is part of its immigration and emigration monitoring (MIMDES conducted a training project aimed at immigration officers). All cases handled by prosecutors and the courts are reviewed for indications of TIP. With the implementation of Law 28950, this scrutiny should increase. The GOP signed a bilateral cooperation agreement with Chile on March 15, 2005, to

halt the trafficking of children and adolescents across their common border.

E. See Para 2, Section C.

Resources available for Peruvians to file complaints and notify the authorities about trafficking (as well as disappearances and kidnappings) are shown below.

-- Website for reporting disappearances that is managed by CHS and monitored by the GOP Ministry of Interior:
<http://www.latinoamericanosdesaparecidos.org/peru/default.php>
-- Website run by the Ministry for Women and Social Development (MIMDES) primarily for family violence and sexual exploitation of children, but handles TIP cases also:
http://www.mimdes.gob.pe/pncvfs/sientoaayuda10_0/
-- Toll-free phone line for reporting TIP crimes run by the Ministry of Interior: 0800-2-3232.

The National Corruption Office (Oficina Nacional Anticorrupcion - ONA), established in October 2007 by President Garcia, has assumed responsibility for the "National Development Plan Against Corruption and Citizen's Ethics" from the Ministry of Justice where it was first developed in the final months of the Toledo Administration. (To date, the document is still considered a proposal.) The Plan would be used as a basis for formulating anti-corruption policies and creating a national anticorruption system to integrate the information and best practices of all parts of the government. It also specifies that an annual anticorruption report should be issued. The Plan was first developed in the final months of the Toledo Administration (June 2006) and has been modified since.

F. The regulations for Law 28950 and the National Plan of Action
have not yet been approved and implemented more than one year after passage despite the mandate that the law's regulations be written within 30 days. Without the regulations, enforcement is not possible. The MSC, knowing that this timeframe was not realistic, held a series of inter-ministerial meetings to develop the regulations. When then Minister of Interior Pilar Mazzetti was replaced on February 26, 2007 by Luis Alva Castro, most of the high-level positions in the ministry also changed, including the person chairing the MSC. Despite some initial signs that the momentum gained under Mazzetti would continue, the TIP regulations and action plan slid quickly down the list of priorities. Both the regulations and the action plan (writing process chaired by IOM) have been approved by the MSC and the legal and subject matter experts in the ministries. All that is lacking is the final approval of the ministers. Changes in other ministries over the past year (e.g., Health and Labor) may also have slowed the approval process.

The MSC, in close coordination with the IOM, produced a draft that has been approved by all members of the MSC. The subcommittee consists of the representatives from the Ministry of Interior, the Public Ministry, two NGOs, and the IOM.

G. The Ministry of Tourism has a Code-of-Conduct program against sexual exploitation, especially of minors, for hotels and other forms of lodging; fines and closures are specified penalties. The

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(MINUSTAH). The movements of the Peruvian peacekeepers in Haiti are very limited. In general, the 200-man force remains in their camp during deployment, leaving only to go on patrol. Interaction with locals is very limited as a result. During their six months in Haiti, the peacekeepers have 6-8 days of leave, which they usually spend in the Dominican Republic. The peacekeepers receive lectures on STD prevention and responsible sexual behavior prior to deployment.

In a collaborative health surveillance activity, the U.S. Naval Medical Research Center Detachment (NMRCD) in Lima and the Peruvian military are assessing the risk of infectious disease exposure to peacekeepers in Haiti and possible importation of a disease back to Peru. With funding from the U.S. Military HIV Program, the GOP Ministry of Defense has serum samples collected from peacekeepers before and after deployment, which is tested for exposure to STDs, HIV, and others. NMRCD has detected a very low incidence of sexually-transmitted infections among the peacekeepers, and no cases that appear to have been acquired while in Haiti or the DR.

Nomination of Heroes and Best Practices

16. (U) No nominations for TIP Heroes.

17. (U) No nominations for Best Practices.

Point of Contact and Hours of Preparation

18. (U) Point of Contact is:
-- Michael Trulson, NAS Program Officer; telephone: (511) 618-2689, Fax (511) 618-2162; email: trulsonmc@state.gov

19. (U) Hours spent in preparation of this report:

-- NAS Director (FE-OC): 1 hour
-- NAS Deputy Director (FS-1): 1 hour

-- NAS Program Officer (FS-2): 60 hours
-- Political Officer (FS-2): 4 hours
-- Consular Officer (FS-2): 2 hours
-- Military Assistance and Advisory Group Officer (FS-2): 2 hours
-- USAID Officer (FS-3): 2 hours
-- USAID Program Assistant (LES-9): 3 hours
-- NAS Program Assistant (LES-10): 15 hours

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